

**STATEMENT OF MADONNA ARCHAMBEAU, CHAIRWOMAN OF THE
YANKTON SIOUX TRIBE, IN SUPPORT OF S. 1148
MAY 17, 2000**

Mr. Chairman and members of the Indian Affairs Committee, my name is Madonna Archambeau, and I serve as the elected tribal Chairwoman of the Yankton Sioux Tribe. Our land is located in southeastern South Dakota. The Missouri River borders the reservation's southern boundary.

On behalf of the Yankton Sioux tribal membership, I would like to express my appreciation to you and the committee members for consideration of S. 1148, the Yankton Sioux Tribe and Santee Sioux Tribe of Nebraska Development Trust Fund Act. The Yankton tribe, through its representatives, has worked closely with Senator Daschle's office for several years on this bill. Also, we have worked with the offices of Senator Tim Johnson, Senator Bob Kerrey, and Senator Chuck Hagel, the cosponsors to this legislation. We are grateful for their support and their staffs' guidance during this process.

BACKGROUND

Our reservation was established by the Treaty of 1858 which provided our people with 430,405 acres of land along the Missouri River. As time passed our reservation was diminished by the Act of August 15, 1894, which opened up our reservation to non-Indian settlement. By the 1950's, when the Fort Randall dam was constructed, only 44,938 acres of Indian land remained in federal trust status.

In 1944, the United States Congress enacted the Flood Control Act which authorized the construction of five dams along the Missouri River known as the Pick-Sloan Program. The primary purpose of the dams and reservoirs was flood control downstream. Other purposes were navigation, hydropower generation, providing water supplies, and recreation.

The impact of the Pick-Sloan program was devastating to all the Missouri River tribes including the Yankton Sioux Tribe. The Fort Randall dam and reservoir inundated a large portion of the Yankton Sioux reservations bottom lands and rich productive agricultural lands. The Fort Randall project flooded 2,851 acres of Indian trust land within the Yankton Sioux reservation and required the relocation and resettlement of at least 20 families which was approximately 8 percent of the resident tribal population. Over the past fifty years, the tribe lost an additional 408 acres to stream bank erosion.

The Missouri River bottom lands provided a traditional way of life for the Yankton Sioux that is now virtually lost. The bottom lands provided an abundance of game and plants for traditional food, plants for ceremonial and medicinal purposes, and plenty of trees for lumber and fuel. In addition to the loss of the bottom lands, the tribe lost acres and acres of productive agricultural land.

INUNDATION OF THE COMMUNITY OF WHITE SWAN

The waters of the Missouri River completely inundated the traditional and self-sustaining community of White Swan, one of the tribe's major settlement areas. The White Swan families raised various livestock which took shelter in the timbered bottom lands or out buildings. The White Swan families sold surplus milk and eggs in the towns of Lake Andes or Wagner. The money received was generally used to purchase needed staples that were not cultivated from the rich soil in and around the community of White Swan. The community was very close knit and the families helped each other in many ways.

While it was the practice of the United States to relocate flooded Indian communities flooded by the Pick-Sloan program to higher ground, the community of White Swan was not relocated or reestablished elsewhere. The White Swan families were simply dispersed elsewhere and the community was never replaced.

CONDEMNATION PROCEEDINGS

Neither the Flood Control Act of 1944 nor any subsequent acts of congress specifically authorized the U. S. Army Corps of Engineers or the Bureau of Reclamation to condemn Sioux tribal land for Pick-Sloan projects. Unfortunately, the condemnation of Yankton Sioux tribal land was not challenged for a host of reasons.

The condemnation proceedings in U.S. District Court resulted in settlements that did not provide adequate compensation to the Yankton Sioux Tribe. The tribe did not receive compensation for direct damages but rather a compensation for the appraised value of their property. The condemnation proceedings did not take into account the large proportion of productive agricultural land. Further, the settlement did not account for the inflation of property values between the time of taking and the time of settlement which was several years later. The average settlement payment on other Indian reservations whose land was taken by acts of congress was approximately \$16,680 per family according to research documents, while the Yankton Sioux Tribe received \$5,605 per family as a settlement for the land taken by the United States.

THE IMPORTANCE OF S. 1148 TO THE YANKTON SIOUX TRIBE

S. 1148 provides that the Yankton Sioux Tribe, as compensation for past inequities, will receive annual interest payments from a \$34.3 million trust fund account in the U.S. Treasury. These funds will be used by the tribe for programs outlined in a tribal plan that will be developed by the tribal council with approval from the tribal membership. The funds will be used to promote greatly needed economic development on our Indian lands. The funds will be utilized to build and improve our infrastructure. And the funds will be used to further education, health, recreation and the social welfare needs of our people.

The precedent is well established. Congress enacted equitable compensation settlement acts for the Standing Rock Sioux Tribe, Three Affiliated Tribes, Crow Creek Sioux Tribe and the

Lower Brule Sioux Tribe. The Senate of the 106th Congress passed legislation to equitably compensate the Cheyenne River Sioux Tribe for its taken land. The funding amount for the individual tribes vary due to the unique losses of each tribe. However, the funding mechanism is the same in all act and bills. Each act and bill provides a trust fund with the interest paid to the tribe to be used for economic development, education, culture and social programs.

CONCLUSION

The Yankton Sioux Tribe, through its Business and Claims Committee, has worked on this legislation for several years. S. 1148 has been developed to provide equitable compensation for the taking of land and as an equitable settlement for the tribe's losses. S. 1148 is based on recent congressional precedent to provide compensation to Missouri River tribes impacted by Pick Sloan.

Many of our tribal elders who experienced first hand the taking of tribal land and the removal have passed on. It has been long enough for a just and equitable resolution to the devastating impacts of the Pick-Sloan program on our tribe.

I respectfully urge the members of the Senate Indian Affairs Committee to report S. 1148 out of the committee with a recommendation that it pass the full Senate.